

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) Cr. No. 04-10336-NMG
JOSE SANTIAGO ET AL)
)
Defendants)

GOVERNMENT'S MOTION PURSUANT TO UNITED STATES V. RENGIFO
REGARDING ENGLISH-LANGUAGE TRANSLATIONS
OF TAPE-RECORDED SPANISH CONVERSATIONS

Now comes the United States of America, by its attorneys, Michael J. Sullivan, United States Attorney, and William F. Bloomer, Assistant U.S. Attorney, and moves for leave to introduce into evidence at trial: (1) copies of original CD and tape recordings made during the investigation of this case, which recordings are substantially in Spanish; and (2) transcripts which contain the Spanish portions of those conversations (as well as the balance of the conversation in English) and English translations of those portions of the conversations. The government further requests leave to reserve the right to read into evidence all or part of the English translations, or to simply play the recordings and have the jury simultaneously read the transcripts.

As grounds for the within motion, the government states as follows:

During the investigation that led to this case, the government made recordings of conversations which were

consensually-recorded and recorded pursuant to T-III court-ordered electronic intercepts. The majority of the recorded conversations were in Spanish. The government has prepared transcriptions which include both the Spanish portions of the conversations and translations of those portions into English. The government has provided drafts of all transcripts prepared to date to the defense. The government expects to provide its final version of all transcripts and translations to defense counsel prior to the beginning of trial. The government will offer testimony at trial if necessary that the Spanish portions of the transcripts and the English translations of those portions are true and accurate.

The government moves for leave to introduce into evidence at trial copies of the original CD and tape recordings which include all portions of the underlying conversations that took place at least in part in Spanish, transcriptions which include the portions of the conversations that took place in Spanish and English translations of those portions of the conversations, and further requests leave to admit into evidence all or part of the English translations. United States v. Rengifo, 789 F.2d 975, 983 (1st Cir. 1986) (finding that English-language translations of tape-recorded conversations that originally took place in Spanish are admissible as substantive evidence; that such transcripts may go to the jury room; and that the government may use readers to read the English translations as an alternative to

playing the tape recording).

Based on the foregoing, the government's motion for leave to introduce into evidence at trial copies of the original CD and tape recordings and the English translations of those conversations should be allowed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, William F. Bloomer, hereby certify that this document filed through the ECF system on September 15, 2006, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non registered participants this date via US Postal Service, postage prepaid.

/s/William F. Bloomer
WILLIAM F. BLOOMER

Date: 15 September 2006